

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

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ULTIMA SERVICES CORPORATION,

Plaintiff,

-against-

U.S. DEPARTMENT OF AGRICULTURE,
U.S. SMALL BUSINESS ADMINISTRATION,
SECRETARY OF AGRICULTURE, and ADMINISTRATOR
OF THE SMALL BUSINESS ADMINISTRATION,

Defendants.
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No. 2:20-cv-00041-
DCLC-CRW

SUPPLEMENTAL STATEMENT OF MICHAEL ROSMAN

1. I am the General Counsel for the Center for Individual Rights and an attorney for plaintiff Ultima Services Corporation in this action. I submit this statement pursuant to this Court's request for further briefing on equitable remedies. Doc. 92.

2. Accompanying this statement as Exhibit 1 are excerpts from the deposition transcript of John Klein, the individual designated by the Small Business Administration pursuant to Rule 30(b)(6).

3. Accompanying this statement as Exhibit 2 is Appendix A from the SBA's Rule 408 Report for Fiscal Year 2017, produced by defendants during discovery. (Other excerpts from this document appear as Doc. 64-2, which is Exhibit 8 to my June 21, 2022 statement.) This Appendix lists the dollar amounts expended in the Section 8(a) Program by NAICS (North American Industry Classification System) six-digit code.

4. As noted previously, defendants withheld production of subsequent Section 408

Reports that had not been finalized on the basis of deliberative process privilege, while apprising us that they would be publicly available when finalized. Doc. 60-5 at 2 (¶ 8); Doc. 64-3. To date, my colleagues and I have been unable to find on the internet any Section 408 Reports more recent than the ones produced by defendants in this lawsuit.

5. I represented the plaintiff in *Dynalantic v. Dep't of Defense*. To date, the defendants in that lawsuit have not apprised me or my client in that suit that they intend to begin using the Section 8(a) Program in military simulation or military simulation training contracts. See Doc. 25-1.

I state under penalty of perjury that the foregoing is true and correct. Executed on September 15, 2023.

/s/ Michael E. Rosman
Michael E. Rosman